

LEGISLATIVE SUMMARY



2003 Legislative Year

A compilation of legislation from the first half of the 2003-2004 Legislative Session affecting the Department of Toxic Substances Control

State of California

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Introduction

This report summarizes all bills considered by the California State Legislature during the 2003 Legislative Year that directly or indirectly affect the Department of Toxic Substances Control's (DTSC) mission and programs. Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but rejected by the Governor (veto and signing messages are included at the end of this report). Bills noted as "Dead" either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature. Bills noted as "Two-year Bills" failed to be enacted in the 2003 Legislative Year but can be considered in the 2004 Legislative Year without being reintroduced. Bills sponsored by DTSC are underlined.

The report lists the bills in numerical order and by subject area. All signed bills, except for urgency, tax levy, election, and appropriation measures, which take effect upon the date of signing, take effect on January 1st of the following year. Occasionally, different legislation amends the same section of law. In most of these instances, the language from the bill that was chaptered last (the higher chapter number) takes precedent and becomes the law.

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Copies of the bills can be obtained from the Bill Room at the State Capitol. Bills and bill-related documents can also be viewed on the California Legislative Counsel's internet site (<http://www.leginfo.ca.gov>).

*DTSC's 2003 Legislative Summary can also be viewed on its internet site:
<http://www.dtsc.ca.gov>*

Acronyms

AB	Assembly Bill
AESTM	Assembly Committee on Environmental Safety and Toxic Materials
ARB	Air Resources Board
Cal/EPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act
CIWMB	California Integrated Waste Management Board
CUPA	Certified Unified Program Agency
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
OEHHA	Office of Environmental Health Hazard Assessment
PCE	Perchloroethylene (also know as PERC)
SB	Senate Bill
SOR	Senate Committee on Rules
SEQ	Senate Committee on Environmental Quality
State	The State of California
SWRCB	State Water Resources Control Board
US EPA	United States Environmental Protection Agency

Assembly Bills

AB 24 Negrete McLeod – Real Property Hazards: Notice (Stats. 2003, ch. 422)

AB 24 extends the sunset date from January 1, 2004, to January 1, 2006, for the requirement that an owner or seller of residential real property disclose to a buyer or renter of that property whether there has been a release of a hazardous substance from an illegal controlled substance (e.g., methamphetamine). The bill also authorizes the creation and distribution of a brochure containing information regarding swimming pool and spa safety.

AB 25 Nunez – State Agencies: Identification Cards (Two-year Bill)

AB 25 would require State agencies to accept identification cards issued by foreign countries if the card meets specified requirements.

AB 79 Dutra – Written Reports: Preparation (Two-year Bill) URGENCY

AB 79 would provide that a public agency is not required to prepare or submit a required written report to the Legislature, Governor, or any State legislative or executive body, except under specified conditions, until January 1, 2008.

AB 93 Canciamilla – Safe, Clean, and Reliable Water Supply Bond Act of 2004 (Two-year Bill)

AB 93 would enact the Safe, Clean, and Reliable Water Supply Water Bond Act of 2004, which would, if adopted, authorize the issuance of bonds in the amount of \$7.886 billion to finance a variety of water related programs.

AB 121 Simitian – Large Passenger Vessels: Water Quality (Stats. 2003, ch. 488)

AB 121 prohibits cruise ships from discharging sewage sludge and oily bilge water into the State's waters and the four national marine sanctuaries along the State's coast.

AB 291 Aghazarian – Personal Income and Corporation Taxes: Tax Credit: Agricultural Environment Remediation Expenditure (Two-year Bill)

AB 291 would establish a tax credit for agricultural environment remediation expenditures. Specifically, this bill would provide a 25 percent tax credit for qualified agricultural environment remediation expenditures paid or incurred by a qualified taxpayer for taxable years 2003 through 2007.

AB 302 Chan – Polybrominated Diphenyl Ether (Stats. 2003, ch. 205)

AB 302 prohibits any person, on and after January 1, 2008, from manufacturing, processing and distributing in commerce any product or a flame-retarded part of a product in California containing more than one-tenth of a percent of pentabrominated diphenyl ethers (pentaBDE) or octabrominated diphenyl ethers (octaBDE). The bill also requires the Senate Office of Research to submit recommendations regarding the regulation of polybrominated diphenyl ether (PBDE), including relevant findings and rulings by the European Union, to the Senate by March 1, 2004.

AB 318 Haynes – State Agency Fiscal Reports (Two-year Bill)

AB 318 would require every State agency to prepare and provide a report to specified legislative fiscal committees on the financial activities of the agency for the 1998-1999, 1999-2000, 2000-2001, 2001-2002, and 2002-2003 fiscal years no later than January 15, 2004, and for each subsequent fiscal year by January 15 of the following year in accordance with specified requirements.

AB 387 Aghazarian – Hazardous Materials: Farms: Business Plans and Inventories (Two-year Bill)

AB 387 would exempt farmers with small amounts of certain hazardous materials on their farms from provisions that require businesses handling hazardous materials to implement an emergency plan to respond to a release or threatened release of any of those materials.

AB 389 Montanez – Hazardous Substances (Two-year Bill)

AB 389 would expand the type of information that could be included in a phase I environmental assessment under the Carpenter-Presley-Tanner Hazardous Substance Account Act to include a review of historical aerial photographs of a property and the area in its vicinity.

AB 392 Montanez – Environmental Justice (Two-year Bill)

AB 392 would declare the intent of the Legislature to enact legislation relating to environmental justice.

AB 406 Jackson – Environmental Quality (Two-year Bill)

AB 406 would prohibit a project applicant or an applicant's retained consultant from submitting certain environmental documents required under CEQA to the public agency responsible for reviewing the project.

AB 410 Haynes – California Neighborhood Initiative (Two-year Bill)

AB 410 would establish the California Neighborhood Initiative within the Technology, Trade & Commerce Agency. The bill would require the agency to designate and annually recertify, subject to specified criteria, 25 California Renewal Communities within the State which would then be eligible for specified federal funding, public or private resources, and State resources.

AB 430 Dutra – Bay Area Regional Water System (Two-year Bill)

AB 430 would require a State agency that has authority to issue a permit, license, or other approval for specified water system projects in the San Francisco Bay Area to approve or disapprove the project application within 60 days.

AB 455 Chu – Packaging Materials: Regulated Metals (Stats. 2003, ch. 679)

AB 455 enacts the Toxics in Packaging Prevention Act, which bans, effective January 1, 2006, the sale of any package that includes: (1) any amount of intentionally introduced lead, mercury, cadmium, or hexavalent chromium; or (2) more than 100 parts per million of these metals incidentally present in the package.

AB 463 Oropeza – Transit Facilities: Infill Housing (Two-year Bill)

AB 463 would declare the intent of the Legislature to enact legislation to develop an incentive-based strategy to encourage the construction of infill housing and commercial and retail development within opportunity zones in cities, suburbs, and towns, and to provide local governments with transportation funding to reward the approval and construction of infill housing and other developments that are at or near transit facilities.

AB 466 Steinberg – Contracting Preferences: Wood Materials and Products (Two-year Bill)

AB 466 would prohibit State agencies and school districts from purchasing wood products, except paper products, derived from ancient forest trees, as defined, unless certain requirements are met.

AB 499 Canciamilla – State Budget: Two-year Spending Plan (Two-year Bill)

AB 499 would establish a two-year budget planning cycle for the State starting in fiscal year 2005-2006.

AB 533 Cohn – School Facilities Funding (Two-year Bill)

AB 533 would exempt the State Allocation Board and the Department of General Services from any hiring freeze under certain provisions relating to the appointment of employees, to the extent that the freeze would impair the Board's ability to fully perform its duties under the Greene Act of 1998.

AB 575 Dutra – Motor Carriers: Transporting Hazardous Materials and Substances (Two-year Bill)

AB 575 would require all trucks registered in California that are engaged in the transportation of hazardous materials to be equipped with a specified disabling device and a global positioning system receiver.

AB 600 Maddox – Government Regulation: Religious Exercise (Two-year Bill)

AB 600 would prohibit any local, State, or other public agency from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, unless the agency demonstrates that the imposition of that burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. The bill would authorize any person to bring an action to enforce those rights, as specified.

AB 611 Negrete McLeod – Waste Discharges: Dental Amalgam (Two-year Bill)

AB 611 would require the SWRCB to work cooperatively with the California Dental Association in taking specified actions to evaluate and promote effective solutions and technologies for the reduction of dental amalgam waste and the recovery of mercury and dental amalgam wastes. The bill would also require California-licensed dentists to comply with several requirements and prohibitions regarding proper handling of dental amalgam waste and other mercury-containing material.

AB 623 Lieber – Hazardous Chemicals: Discharge: Warnings (Two-year Bill)

AB 623 would prohibit a person from discharging or releasing, in the course of doing business, a chemical known to the State to cause cancer or reproductive toxicity into water or onto land where the chemical passes or is likely to pass into any source of drinking water, except as specified. The bill would also prohibit a person from exposing any individual, in the course of doing business, to a chemical known to the State to cause cancer or reproductive toxicity without first providing clear and reasonable warning to the individual, except as specified. The bill would add certain criminal penalties for knowingly violating these prohibitions.

AB 689 Horton – State Regulatory Agencies: Audits (Two-year Bill)

AB 689 would require the State Auditor, by January 1, 2010, to conduct a performance audit of each State regulatory agency, as defined, subject to specified exceptions. The bill would require the State Auditor to hold a public hearing after each audit report has been completed and would require that a copy of the report be made available to each member of the Legislature and the Governor.

AB 698 Lieber – PCE: Claims: Liability (Two-year Bill)

AB 698 would establish the California PCE Environmental Cost Recovery Act to assist dry cleaning operators and property owners with the investigation and cleanup of PCE contamination.

AB 736 Hancock – School Facilities (Two-year Bill)

AB 736 would state the intent of the Legislature to encourage new schools to be designed according to criteria developed by the Collaborative for High Performance Schools. The bill would also state that it is the intent of the Legislature, through subsequent enactment, to create incentives for school districts to design schools that meet energy efficiency, conservation, cost-effectiveness, and environmental standards, and to provide grant adjustments for meeting these standards from funds from a school facilities bond approved by the voters after 2004.

AB 753 Leslie – State Agencies: Alternative Work Schedules: Study (Two-year Bill)

AB 753 would enact the Traffic Pollution Reduction Act of 2003, which would require each State agency that employs 15 or more full-time employees in the Sacramento metropolitan area to submit a report to the Department of Transportation and the Legislature by June 30, 2004, regarding information on alternatives to commuting during peak traffic times.

AB 768 Leno – Hunters Point Shipyard Public Trust Exchange Act (Stats. 2003, ch. 435)

AB 768 authorizes an exchange of public trust lands within the former Hunters Point Shipyard in San Francisco. The exchange can only occur if several conditions are met, including that the exchange procedures must include provisions for ensuring that lands are not exchanged into the trust until all remedial action necessary to protect human health and the environment with respect to hazardous substances that may be on the site are completed as determined by the US EPA, DTSC, and the Regional Water Quality Control Board.

AB 826 Jackson – The Perchlorate Contamination Prevention Act: Perchlorate Materials: Statewide Database (Stats. 2003, ch. 608)

AB 826 requires DTSC to establish standards best management practices for the handling of perchlorate materials; establishes a process by which perchlorate facilities located within five miles of a public drinking water well contaminated by perchlorate would notify the State; and directs Cal/EPA to establish the framework for a statewide database that connects with Cal/EPA's geographic management system for collecting hazardous materials data from local agencies.

AB 854 Koretz – Air Quality: Dry Cleaning Operation Grant Program (Two-year Bill)

AB 854 would prohibit the use of PCE by any dry cleaning operation in the State after January 1, 2014. The bill would require ARB to impose a \$3 fee on every person who purchases a gallon of PCE in the State and authorize the ARB to expend the funds on a grant program that would provide incentives for dry cleaners who use PCE in their operations to transition to nontoxic alternatives.

AB 873 Richman – Regulations: Impact on Business (Two-year Bill)

AB 873 would require State agencies to solicit comments from individuals and organizations with expertise in economics to consider potential economic impacts on State businesses when proposing to adopt, amend, or repeal existing administrative regulations.

AB 906 Nakano – Large Passenger Vessels: Water Quality (Stats. 2003, ch. 494)

AB 906 prohibits the release of hazardous or other waste, as defined, by large passenger vessels into the marine waters of the State or national marine sanctuaries in the State's marine waters.

AB 907 Pavley – Environmental Education: Content Standards (Two-year Bill)

AB 907 would require the State Board of Education and the Superintendent of Public Instruction to revise academic content standards for history/social science and science to incorporate environmental education content, as specified.

AB 926 Richman – Low-Level Radioactive Waste Disposal Facility (Dead)

AB 926 would have removed the prohibition on the selection and development of Ward Valley as a low-level radioactive waste disposal facility and repealed recently enacted State regulatory requirements for development of a low-level radioactive waste disposal facility in California.

AB 998 Lowenthal – Air Quality: Nontoxic Dry Cleaning Incentive Program (Stats. 2003, ch. 821)

AB 998 establishes a grant program within the ARB to provide financial incentives to professional dry cleaners to use non-toxic alternatives to PCE in their dry cleaning operations. The bill requires the ARB to consult with OEHHA, SWRCB, DTSC, and other appropriate entities to determine whether certain dry cleaning systems are non-toxic and non-smog forming.

AB 1006 Chu – The Healthy Schools Act of 2003 (Two-year Bill)

AB 1006 would enact the Healthy Schools Act of 2003, which would prohibit all public schools from using the most highly toxic pesticides, as listed, on school property.

AB 1008 Dutton – Public School Facilities Funding: Hazardous Materials Evaluation and Removal (Stats. 2003, ch. 570)

AB 1008 authorizes a school board to make adjustments to a new construction grant if, as a result of additional requirements imposed by DTSC, the actual amount paid by a school district for the hazardous materials evaluation and removal exceeds the amount of the grant apportionment for those purposes.

AB 1027 Bermudez – State Employees: Salary Ranges: Professional Scientists (Vetoed)

AB 1027 would have required the Department of Personnel Administration and the California Association of Professional Scientists to jointly survey and calculate the average total compensation for comparable services in other public and private employment.

AB 1088 Harman – Multiple Defendants: Joint and Several Liability (Two-year Bill)

AB 1088 would declare the Legislature's intent to apply Section 410.7 of the Code of Civil Procedure to complex civil actions. This section authorizes a court, when multiple defendants are liable, to proceed against a single defendant as if that defendant was the only defendant in the action.

AB 1107 Liu – Groundwater: Uniform Data Standards (Two-year Bill)

AB 1107 would require the SWRCB to develop uniform groundwater data standards, including standards for uniform data collection, data management, and data transfer, as well as other standards that may be appropriate.

AB 1176 Campbell – Proposition 65: Enforcement (Two-year Bill)

AB 1176 would require a court to make a finding that a settlement of an action brought by a person in the public interest under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) is fair, reasonable, and in the public interest. The bill would require the Attorney General to make the terms of the proposed settlement publicly available and would allow any person with an interest in the proposed settlement to intervene in the motion to approve a settlement.

AB 1187 Leno – Redevelopment: Hunters Point Shipyard (Two-year Bill)

AB 1187 would create the Hunters Point Shipyard Development Authority (HUSPDA), a new redevelopment agency, and transfer the State's interest in the Hunters Point trust lands from the San Francisco Redevelopment Agency to HUSPDA and establish it as the trust administrator for those lands.

AB 1246 Aghazarian – Administrative Penalties: Analysis (Two-year Bill)

AB 1246 would require DTSC (or a local officer or agency) to provide, upon the request of a hazardous waste facility operator, a copy of a specified analysis of any proposed administrative penalty in a meeting held with the operator regarding an inspection report. The bill would also require DTSC to meet and confer with the operator, upon the request of the operator, regarding entering into a settlement before issuing any order or filing any judicial action that imposes an administrative or civil penalty.

AB 1247 Aghazarian – Hazardous Waste Facility: Postclosure (Stats. 2003, ch. 286)

AB 1247 authorizes DTSC to use enforcement orders and enforceable agreements, in addition to permits, to impose the requirements of a hazardous waste facility postclosure plan on an owner or operator of a hazardous waste facility. Enforcement orders and enforceable agreements would be subject to the same fee structure, environmental review process, and public comment requirements as permits. The bill imposes a January 1, 2007, sunset date on the use of enforcement orders and enforceable agreements.

AB 1255 Levine – Mercury: Report (Two-year Bill)

AB 1255 would require DTSC to expand an existing legislative report, which focuses on the success of efforts to remove mercury-containing vehicle light switches, to include additional specified information.

AB 1348 Lowenthal – Hazardous Waste (Stats. 2003, ch. 362)

AB 1348 establishes standards for manifesting loads of hazardous waste that are rejected from offsite hazardous waste management facilities, authorizes DTSC to establish secondary containment regulations and permit conditions for bulk transfer areas that are designed for the practical use of trucks and railcars, and modifies certain provisions for the management of used oil.

AB 1360 Steinberg – Environmental Quality: Environmental Indicators (Stats. 2003, ch. 664)

AB 1360 requires OEHHA to develop and maintain a system of environmental indicators to assess the State's environmental protection programs.

AB 1367 Laird – Waste: Regulation (Two-year Bill)

AB 1367 would authorize DTSC to adopt regulations establishing alternative management standards for a limited universe of hazardous wastes that meet specified criteria.

AB 1381 Firebaugh – Charter School Facilities Funding: Regulatory Approvals (Two-year Bill)

AB 1381 would require the State Allocation Board to adopt regulations establishing a streamlined process for obtaining prescribed regulatory approvals for projects relating to critically overcrowded schools. The bill would require the State Allocation Board, in adopting these regulations, to establish a one-stop regulatory approval office that brings together staff from all of the concerned regulatory agencies that are necessary to complete the entire school facility approval process.

AB 1500 Diaz – Petroleum Pollution Cleanup and Prevention Act of 2003 (Two-year Bill)

AB 1500 would enact the Petroleum Pollution Cleanup and Prevention Act of 2003, which would require the operator of every oil refinery to pay a \$1 fee for each barrel of crude oil refined in the State. The funds would be used to remediate petroleum related pollution in the State's air, water, and land.

AB 1514 Firebaugh – Environmental Protection (Two-year Bill)

AB 1514 would make technical, nonsubstantive changes in definitions of terms in the laws dealing with brownfields.

AB 1545 Simitian – Environmental Quality: Public Comments (Stats. 2003, ch. 695)

AB 1545 requires lead agencies to accept comments on notices and draft environmental review documents prepared pursuant to CEQA that are submitted via e-mail and to treat those comments as the equivalent of written comments.

AB 1548 Pavley – Office of Education on the Environment (Stats. 2003, ch. 665)

AB 1548 replaces the Office of Integrated Environmental Education within the CIWMB with the Office of Education and the Environment, vesting it with similar duties and requiring it to report to both Cal/EPA and CIWMB. The bill requires the Office of Education and the Environment to develop environmental education principles and a model curriculum for elementary and secondary students, and requires it to coordinate with other State agencies to develop and distribute environmental education materials.

AB 1607 Keene – Hazardous Substances: Illegal Methamphetamine Laboratories: Cleanup (Two-year Bill)

AB 1607 would require law enforcement, when it finds a property where methamphetamine has been illegally manufactured, to contact the appropriate county health department and if the department inspects the property and makes a specified determination, the department would be required to identify the property owner and send a certificate of nuisance to the owner.

AB 1640 Laird – Hazardous Materials: Enforcement (Stats. 2003, ch. 696)

AB 1640 authorizes CUPAs and participating agencies to suspend or revoke a unified program facility permit or permit element for serious or repeat violations of the permit's requirements.

AB 1691 Montanez – Asbestos Waste (Two-year Bill)

AB 1691 would make technical and clarifying changes to the existing exemption authorizing the disposal

of waste that contains asbestos at solid waste landfills under specified conditions set by the regional water quality control board and DTSC.

AB 1699 AESTM – Mercury: Fluorescent Lamps (Two-year Bill)

AB 1699 would enact the Mercury Recycling Enhancement Act of 2003, which would prohibit any person, after January 1, 2004, from disposing a fluorescent lamp at a solid waste landfill. The bill would require a five cent recycling fee for each fluorescent lamp purchased from a retail seller in the State. The bill would authorize DTSC and CIWMB to expend the funds collected from the fee to 1) assist household hazardous waste facilities and collectors to facilitate fluorescent lamp recycling, 2) fund consumer education, 3) provide matching grant funds to local governments to assist in the collection and processing of fluorescent lamps as a universal waste, and 4) provide recycling incentive payments to fluorescent lamp recyclers.

AB 1700 Laird – Military Base Remediation: Funding: Federal Grants (Stats. 2003, ch. 869)

AB 1700 prevents any direct or indirect positions within DTSC and SWRCB from being eliminated if the positions 1) provide oversight and related support of remediation and hazardous substance management at a military base funded through a responsible party agreement with DTSC or SWRCB, or 2) are funded by a federal grant that does not require a State match funded from the General Fund.

AB 1701 AESTM – Hazardous Substance Release (Two-year Bill)

AB 1701 would modify the definition of an “owner” as it relates to hazardous substance release sites in order to extend the site cleanup cost recovery liability exemption provided in the Health and Safety Code for owners of single-family residential properties to include owners who occupy one-half of a duplex.

ABX1 2 Bogh – Public Employees: Compensation (Dead)

ABX1 2 would have continuously appropriated from the General Fund an amount to be made available for the payment of compensation to specified State public safety employees for work performed on or after July 1 of a fiscal year for which no budget has been enacted.

ABX1 6 Oropeza – Reductions in the Budget Act of 2002 Relating to State and Local Government (Dead)

ABX1 6 would have reduced expenditures in the Budget Act of 2002 for the current year budget in all areas of the budget except education.

Senate Bills

SB 9 McClintock – Government Reorganization: Realignment or Closure (Two-year Bill)

SB 9 would establish an eight-member Bureaucracy Realignment and Closure Commission and a process for realigning or closing State government entities.

SB 13 Romero – Radiation Safety Act of 2003 (Two-year Bill)

SB 13 would enact the Radiation Safety Act of 2003, which would prohibit the disposal of most radioactive waste at solid and hazardous waste landfills. The bill would exempt the disposal of technically enhanced naturally occurring radioactive material (TENORM) from the disposal prohibition at hazardous waste landfills. The bill would authorize DTSC, in consultation with the CIWMB and the Department of Health Services, to adopt regulations and establish permit conditions to enforce the disposal prohibition and regulate the disposal of TENORM at hazardous waste landfills.

SB 18 Burton – Traditional Tribal Cultural Sites (Two-year Bill)

SB 18 would create a procedure in CEQA for the Native American Heritage Commission (NAHC), in consultation with Native American tribes and other interested parties, to determine whether a proposed project may adversely alter a traditional tribal cultural site and to recommend project changes and mitigation measures to avoid or reduce those impacts. The bill would also revise the duties and composition of the NAHC, create procedures for the NAHC and Native American tribes to participate in local land use planning, and allow Native American tribes to take title to conservation easements.

SB 20 Sher – Solid Waste: Hazardous Electronic Waste (Stats. 2003, ch. 526)

SB 20 enacts the Electronic Waste Recycling Act of 2003 to provide for the convenient recycling of covered electronic devices, as defined. The Act imposes an electronic waste recycling fee on the retail purchase of covered electronic devices based upon their size starting July 1, 2004; authorizes the CIWMB and DTSC to expend the funds collected from the fee to facilitate the safe collection and recycling of covered electronic devices; and establishes specified labeling, reporting, and exportation requirements.

SB 22 Sher – Surface Mining and Reclamation (Stats. 2003, ch. 3) URGENCY

SB 22 removes language binding the enactment of SB 483 (Sher, Stats. 2002, ch. 1154) to the enactment of SB 1828 (Sher, 2002), which was vetoed, and declares that the provisions of SB 483 take effect immediately.

SB 41 Bowen – Public Contracts: Services (Stats. 2003, ch. 699)

SB 41 makes several conforming and clarifying changes to the Public Contract Code relating to public contracts with the California State University and University of California. The bill also changes a date in current law—from January 1, 2003, to July 1, 2003—prohibiting persons, firms, or their subsidiaries that are awarded State contracts for consulting services, from submitting a bid or being awarded a contract for any action related to the end product of the consulting services contract.

SB 55 Ackerman – State-mandated Local Programs (Two-year Bill)

SB 55 would specify that from January 1, 2004, through December 31, 2005, with specified exceptions, no new State-mandated local program shall become operative unless approved by a two-thirds vote of the Legislature, any State-mandated local program enacted prior to January 1, 2004, shall be suspended unless reenacted by a two-thirds vote of the Legislature, and no local agency shall be required to implement or give effect to any State-mandated local program that is not reimbursed by the State.

SB 111 Knight – State Reporting Requirements (Two-year Bill)

SB 111 would delete several reporting requirements with elapsed deadlines for reports that are due to the Legislature and the Governor on various topics. The bill would also repeal several provisions that establish pilot and demonstration projects for specified issues.

SB 150 Brulte – Budget: Department of Finance (Two-year Bill)

SB 150 would allow the Department of Finance to revise, alter, or amend any fiscal year budget before or after enactment of the Budget Act if, in its opinion, revision, alteration, or amendment is required in the interest of the State.

SB 189 Escutia – Environmental Health Tracking System: Chronic Disease (Stats. 2003, ch. 407)

SB 189 enacts the California Health Tracking Act of 2003, which requires the Department of Health Services, Cal/EPA, and the University of California to develop and sign a memorandum of understanding to assess the feasibility of 1) integrating existing environmental hazard, exposure, and health outcome data, and 2) describing how these data correspond to recommendations on how to develop an environmental health surveillance system made by the working group established under SB 702 (Escutia, Stats. 2001, ch. 538).

SB 201 Romero – Radioactive Materials: Transfer of Authority (Two-year Bill)

SB 201 would transfer the Department of Health Services' responsibilities for regulating radioactive materials and waste to DTSC and require that future cleanups of sites contaminated by radioactivity in California meet US EPA standards.

SB 202 Romero – Wood Waste: Preservatives (Two-year Bill)

SB 202 would ban the use of chromated copper arsenate (CCA) and penta to treat wood products, and ban the manufacture of wood products treated with CCA and penta on or after January 1, 2005, except as specified; designate any wood waste containing any measurable levels of these preservatives as a hazardous waste; and allow treated wood waste to be disposed of pursuant to regulations adopted by DTSC, in consultation with the CIWMB and SWRCB. The bill would also repeal the exemption for treated wood waste as it applies to the utility services industry and allow local or State agencies to petition Cal/EPA for a five-year exemption from the bill's provisions.

SB 203 Romero – Personal Income Taxes and Bank and Corporation Taxes: Brownfield Cleanup Credit (Two-year Bill)

SB 203 would authorize a tax credit for a qualified brownfield property owner for each taxable year from January 1, 2003, through December 31, 2012, for an unspecified percent of the costs paid or incurred to clean up a polluted brownfield property.

SB 208 Kuehl – Radiation: Contamination (Two-year Bill)

SB 208 would establish prescriptive monitoring requirements for the identification of radioactive contamination on all parcels of land that comprise the Santa Susana Field Laboratory site in Ventura County. The bill would also impose land use restrictions and disposal restrictions at the Laboratory site.

SB 311 Sher – Environmental Health: Drinking Water (Two-year Bill)

SB 311 would require that an external scientific peer review of each draft risk assessment prepared by OEHHA be conducted in a manner substantially equivalent to that required for a review of the scientific basis of any rule proposed for adoption by Cal/EPA, as specified in Health and Safety Code Section 57004.

SB 331 Romero – Toxic Injuries: Limitation of Actions (Stats. 2003, ch. 873)

SB 331 codifies the doctrine of delayed discovery as it applies to the statute of limitations for filing a lawsuit for illness, injury, or death caused by exposure to a hazardous material or toxic substance.

SB 335 Romero – Corporations: Corporate Three Strikes Act (Dead)

SB 335 would have enacted the Corporate Three Strikes Act requiring all corporations or partnerships (except religious nonprofits) formed in California or qualified to transact intrastate business, which have been convicted of specified federal or State felony crimes, to file electronically with the Secretary of State an annual statement of any criminal convictions against the entity during the previous year. The bill would have required the Secretary of State to make this information accessible on its Web site for a minimum of ten years and required any entities that have "committed" a first or second strike offense to publish details of the offense in full-page newspaper statements.

SB 352 Escutia – Schoolsites: Sources of Pollution (Stats. 2003, ch. 668)

SB 352 prohibits a school board from approving the acquisition of a school site within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor unless the air quality at the site does not pose a health risk to students or staff.

SB 415 Kuehl – Real Property: Radioactive Contamination: Disclosure (Two-year Bill)

SB 415 would require a person who transfers (sells, leases, etc.) radioactive contaminated property, as defined, to provide the transferee with a specified written disclosure statement prior to the transfer that would describe the increased risk of cancer to which occupants of the property are expected to be exposed. The bill would require that specified documents available from the US EPA be used to establish the level of radioactive contamination on the property, and that the risk estimate be specific to the parcel being transferred and not averaged over the entire radioactive contaminated property.

SB 466 Escutia – Entry of Judgment: Nondisclosure Agreements (Two-year Bill)

SB 466 would provide that in specified actions alleging damages caused by a product defect or an environmental hazard, any part of an agreement or order, as specified, that requires the nondisclosure of information that may be evidence of the defect or hazard may not be entered or enforced by the court upon settlement or a final order, unless the court enters a final protective order.

SB 493 Cedillo – Hazardous Materials: Liability (Two-year Bill)

SB 493 would enact the Brownfields Revitalization Act of 2003, which would provide that "bona fide prospective purchasers" and "innocent purchasers" are not liable under specified State laws that impose liability for response costs upon an owner or occupant of property acquired on or after January 1, 2004, for cleanup of preexisting pollution conditions caused by a release of a hazardous material on, under, or adjacent to that property. The bill would afford the same liability protection to a person who owns real property that is contiguous, or similarly situated with respect to a contaminated site requiring remediation.

SB 511 Figueroa – Mercury Lamp Recycling (Two-year Bill)

SB 511 would enact the California Mercury Lamp Recycling Act of 2004, which would require every manufacturer of a mercury-containing fluorescent lamp sold in the State to submit a plan to DTSC to ensure that by January 1, 2006, all mercury-containing lamps sold by the manufacturer in the State will be collected, transported, and recycled or disposed in accordance with all applicable State laws. The bill would also prohibit a manufacturer from selling a lamp after November 30, 2003, if it contains mercury that was added during the manufacture of the lamp unless the lamp is labeled and packaged as specified. Finally, the bill would prohibit the out-of-state transport of mercury-containing lamp waste unless the waste is transported to a mercury recycling facility issued a permit under the federal Resource Conservation and Recovery Act.

SB 531 Romero – Solid Waste Disposal: Integrated Waste Management (Two-year Bill)

SB 531 would allow a city, county, city and county, or CUPA to inspect solid waste landfills within its jurisdiction without notice.

SB 532 Romero – Environmental Quality: Cumulative Effects (Two-year Bill)

SB 532 would amend CEQA by expanding what is to be included in an EIR. Specifically, the bill would require an EIR for a project to specify the significant cumulative effects on the environment of the project and include a determination of whether or not there is a reasonable possibility that the project or its cumulative effects would pose a significant risk to public health exposure to one or more hazardous or toxic substances, and require a risk assessment if such a possibility reasonably exists. The bill would also add legislative intent language specifying that the promotion of environmental justice shall be a guiding criterion in public decisions made pursuant to CEQA.

SB 543 Machado – Water Rights: Groundwater Cleanup Operations (Two-year Bill)

SB 543 would permit the water produced from a groundwater cleanup operation to be used, transferred, assigned, or conveyed for beneficial use by the operator of that operation only if a written agreement for the allocation of treated water has been entered into between the operator and every injured public water system that has given notice to the operator of its claim that it is an injured public water system, as defined, or other requirements are met. The bill would provide that no right shall vest in the operator solely by virtue of its extraction, treatment, and discharge of water from that operation. The bill would provide that these provisions do not apply to certain discharges from a groundwater cleanup operation.

SB 559 Ortiz – Brownfields Response Unit (Two-year Bill)

SB 559 would establish the Brownfields Response Unit Program Act, which would require DTSC to establish a Brownfields Response Unit within DTSC to streamline the brownfields cleanup process by coordinating the efforts of all local, State, and federal agencies that may be involved in a cleanup.

SB 568 Sher – Environmental Protection: External Scientific Peer Reviewers (Two-year Bill)

SB 568 would prohibit a person from serving as a peer reviewer for Cal/EPA and its boards, departments, and office if that person has a financial interest that is related to the subject matter of the review. The bill specifies that this provision only applies to a peer review initiated on or after January 1, 2004.

SB 571 Alarcon – Civil Actions: Environment: Private Individuals (Two-year Bill)

SB 571 would authorize a person, for the protection or restoration of public health, environment, or natural resources, to bring a civil action for violations of environmental laws, giving individuals similar authority to that which is currently held by the Attorney General. The bill would allow any person to intervene in any administrative, licensing, or other such proceeding if the person can show that the activity involves conduct, programs, or products that may have the effect of impairing, polluting, or destroying the natural resources of the State.

SB 589 SOR – Public Officers: Appointments (Vetoed)

SB 589 would have allowed the Governor to appoint an acting or interim appointee who requires Senate confirmation under the following conditions: 1) the Governor may fill the vacancy by granting a commission not subject to Senate confirmation for a term not to exceed six months, or until the office is filled by the prescribed procedure, whichever comes first; 2) the Governor must submit the name of the person commissioned to the Senate within 30 days after the person first begins performing the duties of the office; 3) if the office is not filled by appointment within six months, the person granted the acting or interim position shall vacate the office and is ineligible to be appointed to the office by the governor for one year thereafter.

SB 689 Ortiz – Healthy Californians Biomonitoring Project (Two-year Bill)

SB 689 would establish the Healthy Californians Biomonitoring Project, which would require the Department of Health Services, in consultation with an advisory committee, to develop a biomonitoring pilot program, beginning with a pilot using breast milk as a marker of community health in a minimum of three diverse communities throughout the State. The bill would require the Department of Health Services to appoint an advisory committee of experts to assist it in designing and implementing the program.

SB 805 Escutia – Hazardous Substances: Geologic and Environmental Hazard Abatement Districts (Two-year Bill)

SB 805 would change the name of geologic hazard abatement districts to geologic and environmental hazard abatement districts, and authorize formation of the district for a remedial action or removal of a hazardous substance that is released or threatened to be released into the environment.

SB 922 Soto – Cleanup or Abatement Orders: Contaminated Drinking Water Supplies (Two-year Bill)

SB 922 would provide that a cleanup and abatement order issued by the SWRCB or a regional water quality control board may require each discharger to provide or pay for uninterrupted replacement water service to each affected public water supplier or private well owner.

SB 942 Sher – Hazardous Waste: Transportation: Database (Two-year Bill)

SB 942 would require DTSC to include, within the database that it uses to track hazardous waste, information on whether a receiving facility, if it is outside of the State, operates in accordance with California's standards for handling hazardous waste, to the extent that existing resources allow for the collection of this information.

SB 985 McClintock – State Budget: Zero-Based Budgeting (Two-year Bill)

SB 985 would require that the budget submitted by the Governor to the Legislature for the 2003-2004 fiscal year and each following year be developed pursuant to zero-based budgeting, as specified, for each State agency, as defined.

SB 988 McPherson – Hazardous Waste: Study (Two-year Bill)

SB 988 would repeal an existing provision of law that requires DTSC, by June 1, 1986, to conduct a study and make recommendations to the Legislature on the establishment of a comprehensive program for achieving reductions in hazardous waste generation, as specified.

SB 1004 Soto – Resources (Stats. 2003, ch. 614)

SB 1004 provides that a cleanup and abatement order issued by the SWRCB or a regional water quality control board may require each discharger to provide or pay for uninterrupted replacement water service to each affected public water supplier or private well owner. The bill also requires the SWRCB to establish a database collection system for reporting on the storage of perchlorate.

SBX1 2 Poochigian – Sales, Use, Income, and Corporation Taxes: Manufacturer’s Investment (Two-year Bill)

SBX1 2 would delete the existing repeal date of the manufacturing investment credit , thereby continuing the sales and use tax exemption and the income and corporation tax credits indefinitely.

SCA 1 Burton – Access to Government Information (Two-year Bill)

SCA 1 would propose to the people of the State that the Constitution be amended to make access to records and public meetings of government officials and agencies a constitutional right of each citizen, as specified.

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Administration:

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AB 79	Dutra	Written Reports: Preparation	Two-year Bill
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AB 499	Canciamilla	State Budget: Two-year Spending Plan	Two-year Bill
AB 689	Horton	State Regulatory Agencies: Audits	Two-year Bill
AB 753	Leslie	State Agencies: Alternative Work Schedules: Study	Two-year Bill
AB 873	Richman	Regulations: Impact on Business	Two-year Bill
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ABX1 2	Bogh	Public Employees: Compensation	Dead
ABX1 6	Oropeza	Reductions in the Budget Act of 2002 Relating to State and Local Government	Dead
SB 9	McClintock	Government Reorganization: Realignment or Closure	Two-year Bill
SB 41	Bowen	Public Contracts: Services	Statutes of 2003, Chapter 699
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SB 111	Knight	State Reporting Requirements	Two-year Bill
SB 150	Brulte	Budget: Department of Finance	Two-year Bill
SB 589	Rules Comm.	Public Officers: Appointments	Vetoed
SB 985	McClintock	State Budget: Zero-Based Budgeting	Two-year Bill

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AB 998	Lowenthal	Air Quality: Nontoxic Dry Cleaning Incentive Program	Statutes of 2003, Chapter 821

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SB 203	Romero	Personal Income Taxes and Bank and Corporation Taxes: Brownfield Cleanup Credit	Two-year Bill
SB 493	Cedillo	Hazardous Materials: Liability	Two-year Bill
SB 559	Ortiz	Brownfields Response Unit	Two-year Bill

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AB 906	Nakano	Large Passenger Vessels: Water Quality	Statutes of 2003, Chapter 494

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SB 531	Romero	Solid Waste Disposal: Integrated Waste Management	Two-year Bill

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SB 203	Romero	Personal Income Taxes and Bank and Corporation Taxes: Brownfield Cleanup Credit	Two-year Bill
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AB 826	Jackson	The Perchlorate Contamination Prevention Act: Perchlorate Materials: Statewide Database	Statutes of 2003, Chapter 608
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AB 600	Maddox	Government Regulation: Religious Exercise	Two-year Bill
ABX1 6	Oropeza	Reductions in the Budget Act of 2002 Relating to State and Local Government	Dead
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SB 511	Figueroa	Mercury Lamp Recycling	Two-year Bill

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AB 698	Lieber	PCE: Claims: Liability	Two-year Bill
AB 854	Koretz	Air Quality: Dry Cleaning Operation Grant Program	Two-year Bill
AB 998	Lowenthal	Air Quality: Nontoxic Dry Cleaning Incentive Program	Statutes of 2003, Chapter 821

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AB 926	Richman	Low-Level Radioactive Waste Disposal Facility	Dead
SB 13	Romero	Radiation Safety Act of 2003	Two-year Bill
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SB 204	Perata	Solid Waste: Personal Care Products: Recycling	Two-year Bill

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SB 568	Sher	Environmental Protection: External Scientific Peer Reviewers	Two-year Bill

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AB 1008	Dutton	Public School Facilities Funding: Hazardous Materials Evaluation and Removal	Statutes of 2003, Chapter 570
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AB 1700	Laird	Military Base Remediation: Funding: Federal Grants	Statutes of 2003, Chapter 869
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AB 501	Cogdill	Solid Waste: Grants	Two-year Bill
AB 1691	Montanez	Asbestos Waste	Two-year Bill
SB 204	Perata	Solid Waste: Personal Care Products: Recycling	Two-year Bill
SB 531	Romero	Solid Waste Disposal: Integrated Waste Management	Two-year Bill

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SB 942	Sher	Hazardous Waste: Transportation: Database	Two-year Bill

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AB 121	Simitian	Large Passenger Vessels: Water Quality	Statutes of 2003, Chapter 488
AB 430	Dutra	Bay Area Regional Water System	Two-year Bill
AB 906	Nakano	Large Passenger Vessels: Water Quality	Statutes of 2003, Chapter 494
AB 1107	Liu	Groundwater: Uniform Data Standards	Two-year Bill
SB 311	Sher	Environmental Health: Drinking Water	Two-year Bill
SB 543	Machado	Water Rights: Groundwater Cleanup Operations	Two-year Bill
SB 922	Soto	Cleanup or Abatement Orders: Contaminated Drinking Water Supplies	Two-year Bill
SB 1004	Soto	Resources	Statutes of 2003, Chapter 614

Veto Messages

To Members of the California State Assembly:

I am returning Assembly Bill 1027 without my signature.

By requiring extensive joint salary surveys for Bargaining Unit 10, the California Association of Professional Scientists, this bill would duplicate existing surveys conducted by the Department of Personnel Administration. Additionally, the salary survey required under this bill conflicts with AB 2477, which I signed last year. AB 2477 established the Excluded and Exempt Employee Salary-Setting Task Force. The Task Force's mandate is to develop and recommend by July 1, 2004, an equitable salary and benefit setting process for excluded and exempt employees in State government.

Finally, this bill would require the Department of Personnel Administration to "meet and confer in good faith" with the California Association of Professional Scientists over salary survey methodology for supervisory employee classes. By utilizing this term of art in the context of salary issues affecting supervisory employees, this bill could be construed as a step to extending collective bargaining rights to an excluded employee organization. Given these concerns, I am unable to sign AB 1027 in its current form.

Sincerely,

GRAY DAVIS

To Members of the California State Senate:

I am returning Senate Bill 589 without my signature.

This bill would create a process whereby specified Governor's interim appointments would only be effective for a period not to exceed six months without Senate confirmation.

When filling executive positions in an administration, it is a Governor's prerogative to appoint someone in a temporary or acting capacity until such time as he/she decides that the appointment needs to be made permanent. There could be a number of circumstances and situations where it is necessary or prudent to appoint someone in an acting capacity. I believe this authority and discretion should remain with the Governor unless he or she chooses to relinquish it, which I do not.

I will, however, direct my staff to inform the Senate of any temporary or interim appointments in positions subject to Senate confirmation I make in the future.

Sincerely,

GRAY DAVIS

Signing Messages

To the Members of the California Legislature:

I am signing Assembly Bill 24. The bill would extend, from 2004 to 2006, the requirement that home sellers give notice to prospective home purchasers about any past release of an illegal controlled substance on the residential property. The bill also allows for the creation of a brochure containing information regarding swimming pool and spa safety. The bill encourages an unnamed private entity, in consultation with the Epidemiology and Prevention for Injury Control (EPIC) Branch of the California Department of Health Services (DHS), to produce an informative brochure for consumer use. If a private entity produces the document and donates it to the department, DHS must review and approve the brochure within 18 months, and place the document on its web site.

Drowning is a leading cause of death, disability and injury for children under five, with half of these drownings occurring in residential pools. The state should take additional steps to inform and remind pool owners and users of steps they can take to minimize the risk of drownings. I am directing the Department of Health Services to implement this bill within existing resources.

Sincerely,

GRAY DAVIS

To the Members of the California State Legislature:

I am signing Assembly Bill 455, which enacts the Toxics in Packaging Prevention Act, which will ban the sale of packaging that includes lead, mercury, cadmium or hexavalent chromium.

I am pleased to join the eighteen other states that have already enacted similar legislation, substantially reducing or eliminating land and water contamination contributed by heavy metals found in packaging materials. AB 455 is an important environmental protection measure for California which will promote pollution prevention at the source by reducing and eliminating the use of harmful chemicals in these materials.

I applaud Assemblywoman Chu's leadership in authoring this bill. However, there are several technical problems in this bill which may impede implementation that should be addressed next year. I ask the author to work with the Department of Toxic Substances Control to resolve these issues.

Sincerely,

GRAY DAVIS

To Members of the California Legislature:

I am signing Assembly Bill 826, which will require the Department of Toxic Substances Control to develop regulations by December 31, 2005 establishing standards for managing the handling and storage of perchlorate and create a framework for a statewide data base of facilities using perchlorate. In adopting these regulations I am directing the Department to take measures that protect the confidentiality of perchlorate storage facility locations to ensure protection of homeland security.

Sincerely,

GRAY DAVIS

To the Members of the California Legislature:

I am signing Assembly Bill 998, which establishes a Nontoxic Dry Cleaning Incentive Trust Fund to encourage California dry cleaners to switch from the dry cleaning solvent perchloroethylene (PCE) to less toxic alternatives. Fees on each gallon of PCE purchased would fund a demonstration project and provide incentive grants to dry cleaners to switch to less toxic alternatives.

AB 998 provides the financial incentives needed for dry cleaners to use the cleanest possible alternatives to PCE, a known carcinogen. There are two known non-toxic and non-smog forming alternative technologies available to the dry cleaning industry: wet cleaning with water and carbon dioxide cleaning. As an example, Hanger Cleaners in San Diego uses carbon dioxide cleaning and reports positive customer response and a cleaner environment for employees and the surrounding community. I am proud to join eight other states that have passed similar laws to promote alternatives to PCE.

Although I am signing this bill, I am greatly troubled by an increasing California pollution problem caused by emergent contaminants fouling our water and air, such as PCE, chrome 6, MTBE, radiation, PBDE, and perchlorate. Therefore, I challenge the author and stakeholders to continue the leadership shown by this measure and lead the way next year to devise an innovative solution to address the cross-media pollution problems caused by PCE and the other emergent contaminants.

I am signing this bill with the understanding that the Air Resources Board, Office of Environmental Health Hazard Assessment and Department of Health Services implement this measure within existing staff resources.

Sincerely,

GRAY DAVIS

To Members of the California Assembly:

I am signing Assembly Bill 1548, which will establish the Office of Education and the Environment (OEE) within the California Environmental Protection Agency to develop environmental education principles and a model curriculum for grades kindergarten through 12.

The bill creates a logical, cost-neutral approach to teach environmental principles and resource conservation in California classrooms. The measure also aligns state agency environmental based education programs with State approved education content standards and curriculum requirements. This creates more effective environmental education programs and helps focus limited state dollars to a unified educational effort.

Now that a coordinated statewide environmental education program is in place, I am directing all state departments and agencies that expend environmental education funds for teaching children in primary and secondary schools to allocate funding for implementation of this program. However, the bill has some technical problems that could impede implementation. I am signing this measure with the understanding the author will work with CalEPA next year to correct a drafting error and require school districts to consider the environmental education principles when adopting instructional materials.

Sincerely,

GRAY DAVIS

To the Members of the Senate:

I am signing SB 20, which will enact the Electronic Waste Recycling Act, the first of its kind in the nation. This bill will provide convenient and cost-effective collection and recycling of hazardous electronic wastes throughout California. As I stated last year, I am troubled by the increasing electronic waste pollution problem in California, as well as across our nation and overseas. I strongly urged the electronics industry and other interested parties to rapidly devise a solution to this growing problem. SB 20 will help us reach that solution. I applaud Senator Sher for orchestrating this effort and bringing this important measure forward. The bill represents extensive collaboration on the part of environmental groups, industry interests and state and local governments. I would like to thank members of the electronics industry who do business in California for their willingness to find a solution for California's consumers. I am confident that this cooperative effort will lead to a successful and productive recycling program. While I appreciate that fee collection from out-of-state and Internet sellers presents a challenge, I am confident that the California Environmental Protection Agency has the experience and capability to collect the fee created by SB 20. I am confident that companies that sell exclusively over the internet, like Dell, will fully comply. Many of the CalEPA agencies have experienced success in both voluntary compliance and enforcement actions against out-of-state, foreign, and Internet sellers that have failed to pay a regulatory fee. I am sensitive to concerns that California manufacturers not be placed at a competitive disadvantage if the SB 20 fees are not applied equitably or enforced uniformly. If this is a problem I will direct CalEPA to work with the Legislature to find a fair and equitable solution. Last year I vetoed Senate Bills 1523 and 1619 because I did not believe that those measures would provide an equitable and cost effective solution for the citizens of California. In vetoing these bills I set forth a series of key goals for a comprehensive electronic waste recycling program. While SB 20 goes a long way towards accomplishing these goals, I ask that the author introduce a measure next year to further address the goals set forth in my veto message and correct other implementation problems, including consistency of design mandates.

Sincerely,

GRAY DAVIS